

**EXHIBIT B**

SUM-100

**SUMMONS - FIRST AMENDED  
(CITACION JUDICIAL) COMPLAINT**

## NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

Silicon Valley Animal Control Authority, City of Santa Clara, City of Campbell, Humane Society Silicon Valley, Al Davis and A. Morris

## YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Lee Jackson and Kenneth Jackson

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

ENDORSED

2007 SEP 24 P 3: 23

RECEIVED  
CLERK'S OFFICE, CLERK OF THE  
COURT, SANTA CLARA, CALIFORNIA  
2007 SEP 24 P 3: 23

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol](http://www.courtinfo.ca.gov/selfhelp/espanol)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Santa Clara County Superior Court

191 N. First St.

San Jose, CA 95113

CASE NUMBER:  
(Número del Caso): 1-07-CV-079050

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Stuart M. Wilson, SBN 94633, 1671 The Alameda, Suite 300, San Jose, CA 95126

DATE:  
(Fecha)

SEP 24 2007

Clerk, by \_\_\_\_\_, Deputy  
(Secretario) \_\_\_\_\_, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):

3.  on behalf of (specify):

under:	<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
	<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
	<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)

4.  by personal delivery on (date):

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PLD-PI-001

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stuart M. Wilson SBN 94633 1671 The Alameda, Suite 300 San Jose, California 95126 TELEPHONE NO: (408) 293-8400 FAX NO (Optional): (408) 293-0714 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY <b>ENDORSED</b> 2007 SEP 24 P 3:23 A. Has
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Santa Clara STREET ADDRESS: 191 North First Street MAILING ADDRESS: San Jose, California 95113 CITY AND ZIP CODE: BRANCH NAME: Downtown - Unlimited Jurisdiction		
PLAINTIFF: Lee Jackson and Kenneth Jackson		
DEFENDANT: Silicon Valley Animal Control Authority, City of Santa Clara, City of Campbell, Humane Society <input checked="" type="checkbox"/> DOES 1 TO 20 Silicon Valley, Al Davis and A. Morris		
COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input checked="" type="checkbox"/> AMENDED (Number): FIRST		
Type (check all that apply): <input type="checkbox"/> MOTOR VEHICLE <input checked="" type="checkbox"/> OTHER (specify): <input checked="" type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER: 1-07-CV-079050

1. Plaintiff (name or names): Lee Jackson and Kenneth Jackson  
alleges causes of action against defendant (name or names): Silicon Valley Animal Control Authority, City of Santa Clara, City of Campbell, Humane Society Silicon Valley, Al Davis and A. Morris
2. This pleading, including attachments and exhibits, consists of the following number of pages: 13 pages total.
3. Each plaintiff named above is a competent adult
  - a.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):
  - b.  except plaintiff (name):
    - (1)  a corporation qualified to do business in California
    - (2)  an unincorporated entity (describe):
    - (3)  a public entity (describe):
    - (4)  a minor  an adult
      - (a)  for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b)  other (specify):
    - (5)  other (specify):

Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

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4.  Plaintiff (name):  
is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person  Animal Control Authority

a.  except defendant (name): Silicon Valley / c.  except defendant (name): City of Campbell  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
 (4)  a public entity (describe):  
 Form Unknown  
 (5)  other (specify):  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
 (4)  a public entity (describe):  
 City  
 (5)  other (specify):

b.  except defendant (name): City of Santa Clara  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
 (4)  a public entity (describe):  
 City  
 (5)  other (specify):  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
 (4)  a public entity (describe):  
 (5)  other (specify):

d.  except defendant (name): Humane Society Silicon Valley  
 (1)  a business organization, form unknown  
 (2)  a corporation  
 (3)  an unincorporated entity (describe):  
 (4)  a public entity (describe):  
 (5)  other (specify):

Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a.  Doe defendants (specify Doe numbers): 1 to 10 were the agents or employees of other named defendants and acted within the scope of that agency or employment.

b.  Doe defendants (specify Doe numbers): 11 to 20 are persons whose capacities are unknown to plaintiff.

7.  Defendants who are joined under Code of Civil Procedure section 382 are (names):

8. This court is the proper court because

a.  at least one defendant now resides in its jurisdictional area.  
 b.  the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.  
 c.  injury to person or damage to personal property occurred in its jurisdictional area.  
 d.  other (specify):

9.  Plaintiff is required to comply with a claims statute, and

a.  has complied with applicable claims statutes, ~~or~~ pursuant to Govt. Code 910, et seq.  
 b.  is excused from complying because (specify):

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10. The following causes of action are attached and the statements above apply to each (each complaint must have one or more causes of action attached):

- a.  Motor Vehicle
- b.  General Negligence
- c.  Intentional Tort
- d.  Products Liability
- e.  Premises Liability
- f.  Other (specify):

Exemplary Damages

11. Plaintiff has suffered

- a.  wage loss
- b.  loss of use of property
- c.  hospital and medical expenses
- d.  general damage
- e.  property damage
- f.  loss of earning capacity
- g.  other damage (specify):

Other damage not known at this time

12.  The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a.  listed in Attachment 12.
- b.  as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1)  compensatory damages
- (2)  punitive damages

The amount of damages is (in cases for personal injury or wrongful death, you must check (1)):

- (1)  according to proof
- (2)  in the amount of: \$

15.  The paragraphs of this complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: September 24, 2007

Stuart M. Wilson

(TYPE OR PRINT NAME)

► *Stuart M. Wilson*

(SIGNATURE OF PLAINTIFF OR ATTORNEY)

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FIRST

(number)

## CAUSE OF ACTION—Intentional Tort

Page 4ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and  
A. Morris Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
 on (date) December 19, 2005  
 at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13.

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SECOND **CAUSE OF ACTION—Intentional Tort** Page 5

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): City of Campbell

Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 22, 2005  
at (place) Santa Clara, California

*(description of reasons for liability):*

Defendant unlawfully conducted a post-seizure hearing in which Defendant found that the seizure of Plaintiffs' property on 12-19-05 was lawful. Said finding was a denial of the due process rights of Plaintiffs and was an abuse of discretion violating Plaintiff's rights to a fair due process hearing.

PLD-PI-001(3)

SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER I-07-CV-079050
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THIRD \_\_\_\_\_  
(number)**CAUSE OF ACTION—Intentional Tort**Page 6ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority and City of Santa Clara

 Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
 on (date) December 19, 2005  
 at (place) Santa Clara, California

*(description of reasons for liability):*

Defendants negligently hired, trained and supervised employees including A. Morris, Al Davis, and others not known by name who participated in the events surrounding the unlawful seizure of Plaintiffs' pet animals on 12-19-05.

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FOURTH

(number)

## CAUSE OF ACTION—Intentional Tort

Page 7ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and  
A. Morris Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13, thereby negligently inflicting severe emotional and mental suffering and distress upon the Plaintiffs.

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SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER 1-07-CV-079050
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FIFTH  
(number)

## CAUSE OF ACTION—Intentional Tort

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ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and

A. Morris

 Does 1 \_\_\_\_\_ to 20 \_\_\_\_\_

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
 on (date) December 19, 2005  
 at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. Said acts constitute assault and battery in violation of Penal Code sections 241 and 242.

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SHORT TITLE:	CASE NUMBER
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SIXTH

(number)

## CAUSE OF ACTION—Intentional Tort

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ATTACHMENT TO  Complaint  Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and  
A. Morris Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date) December 19, 2005

at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. By said acts Defendants intentionally inflicted severe emotional and mental suffering and distress upon Plaintiffs.

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SEVENTH  
(number)**CAUSE OF ACTION—Intentional Tort**Page 10ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis  
and A. Morris Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

(description of reasons for liability):

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. Plaintiffs were the lawful owners of said pet animals and were entitled to possession of the animals. By seizing the pet animals Defendants unlawfully converted the pet animals to their use in violation of Penal Code section 597.1(g).

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EIGHTH CAUSE OF ACTION—Intentional Tort Page 11  
(number)

ATTACHMENT TO  Complaint  Cross - Complaint

*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Silicon Valley Animal Control Authority, City of Santa Clara, Al Davis and A. Morris

Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
on (date) December 19, 2005  
at (place) Santa Clara, California

*(description of reasons for liability):*

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13. Such acts violated Plaintiffs' rights to be free of unreasonable searches and seizures under the Fourth and Fourteenth Amendments to the U.S. Constitution and is actionable under 41 U.S.C. 1983.

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SHORT TITLE: Jackson v. Silicon Valley Animal Control Authority	CASE NUMBER 1-07-CV-079050
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NINTH \_\_\_\_\_

**CAUSE OF ACTION—Intentional Tort**Page 12ATTACHMENT TO  Complaint  Cross - Complaint*(Use a separate cause of action form for each cause of action.)*

IT-1. Plaintiff (name): Lee Jackson and Kenneth Jackson

alleges that defendant (name): Humane Society Silicon Valley

 Does 1 to 20

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff  
 on (date) December 19, 2005  
 at (place) Santa Clara, California

*(description of reasons for liability):*

Defendant took possession of Plaintiffs' pet animals that had been seized by the Silicon Valley Animal Control Authority and converted them to their own use.

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**Exemplary Damages Attachment**Page 13ATTACHMENT TO  Complaint  Cross - Complaint

EX-1. As additional damages against defendant (name):

Al Davis and A. Morris

Plaintiff alleges defendant was guilty of

 malice fraud oppression

as defined in Civil Code section 3294, and plaintiff should recover, in addition to actual damages, damages to make an example of and to punish defendant.

EX-2. The facts supporting plaintiff's claim are as follows:

Defendants unlawfully entered Plaintiff's motorhome, unlawfully seized Plaintiffs' pet animals, unlawfully detained Plaintiffs and assaulted and battered Lee Jackson, causing Plaintiffs severe mental, emotional and physical harm and depriving them of their property, pet animals in violation of their rights under the U.S. Constitution, Amendment 4 and California Constitution, Article 1, Section 13.

EX-3. The amount of exemplary damages sought is

- a.  not shown, pursuant to Code of Civil Procedure section 425.10.
- b.  \$

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